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FILED

DISTRICT COURT OF GUAM

APR 25 2007 *mba*

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

TCW SPECIAL CREDITS, et al.,

Plaintiffs,

v.

FISHING VESSEL M/V CHLOE Z, et al.,

Defendants.

Case No. 96-00055

**NOTICE TO COURT REGARDING
MOOTED ISSUES**

On April 17, 2007, the United States Supreme Court declined to grant the CHLOE Z's Petition for Writ of Certiorari. This action moots a central issue presented in the motion of Matos and Pranjic to withdraw funds and will make this Court's task easier.

MOTION TO WITHDRAW FUNDS

Because of the denial of the Petition for Writ of Certiorari, the CHLOE Z withdraws certain of its objections to this motion. The CHLOE Z will delineate its positions which have been changed by reference to those specific paragraphs as set out in the original opposition to this motion.


PARAGRAPH 5

The CHLOE Z does not object to the disbursal of funds to Matos and Pranjic in the amount of their original *in rem* awards, once a judgment is finally entered in their favor. Nothing about this concession alters the arguments concerning the appropriate date of those judgments or interest issues but, as to the *in rem* awards (as modified by the Ninth Circuit) once judgments are entered in their favor, the CHLOE Z has no objection to the disbursal of \$621,514.50 to Mr. Matos and the sum of \$533,469.00 to Mr. Pranjic.

PARAGRAPH 6

This argument has been rendered moot by the concession made regarding paragraph 5.
Respectfully submitted this 25th day of April, 2007.

ARRIOLA, COWAN & ARRIOLA

By: 
ANITA P. ARRIOLA
Attorneys for F/V CHLOE Z

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April, 2007, true and correct copies of: **NOTICE TO COURT REGARDING MOOTED ISSUES; CERTIFICATE OF SERVICE; and CERTIFICATE OF SERVICE**, were sent via U.S. Mail to:

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